1. **The rules are not necessary because programming content is driven by consumers.**

It is not necessary for the FCC to impose strict ownership rules upon media companies. The purpose of such rules, ensuring that the public interest is adequately served, is already being attended to. Radio stations, such as Clear Channel, are profit driven. Broadcasters are driven by advertisers, who in turn respond to consumers. This relationship is evidenced by the amount of market research that is conducted. Media types respond to popular demand. Although I sympathize with consumers who complain of homogenous radio station play lists, I do not think the FCC should concern itself with remedying this problem.

If consumers really are frustrated by a radio station's playlist they have an option, they can change the station. In the past the FCC may have been able to justify its rules, and its paternalistic role, upon the fact that there was not adequate competition and consumers, therefore, could not just change the station. Well today they can. They can also change the play lists, just as they can change the on-air personality (just ask Don Imus).

2. **The rules alone are not sufficient to address the diversity concern**

Simply providing ownership rules alone will not result in more diverse programming. A program aimed at increasing diversity would need funding as well. Programs that serve minority interests may not survive on their own. The very fact that the programming serves a "minority" interest explains it all. Programs get their funding from advertisers. Advertisers are not going to spend their money on programs that don't have a large viewer ship. Programs serving minority interests aren't likely to get much advertising money. While it is true that there may be advertisers who serve the minority interest the program serves those advertisers probably don't have the deep pockets that a mainstream company has. Without advertising dollars the programs will not survive. If serving minority interests is one of the purposes of the limiting media ownership the means does not support the end. Simply providing the space on the broadcast spectrum is not sufficient. The government would also have to provide funding for the minority programmer.

3. **The rule limiting radio station ownership does not promote diverse media content.**

Relaxation of the rules increases diversity in content because large group owners are able to increase their number of stations, and therefore the variety of stations, because they can recognize economies of scale. They have reduced operating costs and they are able to provide discount or bulk sales to advertisers. An increase in variety is best served if a single owner is able to operate multiple stations in a single market. A single owner is not going to want to compete against itself. It would not be a very good business decision to operate two country stations in Seattle. Instead, owners want to diversify, they want to cover the entire market.

An owner will provide programming that suits the top desires of its market. If a demographic chooses hip hop as number one, country/western as number two and blues as number three it would make sense for the media owner to operate those three stations. Additionally, a large owner may recognize a demand for a less popular station that isn't being adequately served and be able to fill that void. Perhaps it is an opera station. The large owner would be able to operate the opera station, even though it is not as profitable as the more popular stations, because the large owner can recognize economies of scale.

4. The FCC's focus on localism is misplaced

The FCC emphasizes local broadcasting in its mandates because it wants to encourage diversity. The FCC's mandates are apparently based on the premise that local broadcasters are in the best position to serve their communities. This is not necessarily the case. Local broadcasters operate under the same scheme as larger conglomerate or non-local broadcasters; they are both concerned about the bottom line. Because the two have the same incentive they will most likely operate in similar fashions. Both will be attune to advertisers who are certainly motivated by local demographics. The advertisers are going to put their money in the programs that the local demographics dictate.

Local broadcasters, as well as national broadcasters, air the programs that receive the most advertising dollars, they both respond to local demographics. It is quite clear that the local market has the most force in dictating what programs are shown. A station in Seattle, even if it is owned by a Cleveland based company, is going to cover local news at 5:00 p.m. It is not going to cover Cleveland news. The Seattle market does not care about Cleveland weather or traffic or school closures. The media company is savvy enough to recognize that they people are not going to watch their program if they don't provide coverage that interests the local market. Additionally, while viewers are certainly interested in local programming they are also clearly interested in broader nation-wide programs as well.

Management is another aspect of broadcasting that isn't adequately reflected in the FCC's mandates. Just because a broadcast station is not locally owned does not mean it is not locally operated. High level management positions may be filled by individuals who are not local but mid-level and lower-level positions, positions with much day-to-day decision making authority are certainly filled by locals.

5. Localism does not mean playing local artists

The FCC has received complaints expressing concern over the inability of local recording artists to get playtime. Although there are some legitimate reasons for protecting localism, airtime for local recording artists is not one of them. It is completely improper for the FCC to concern itself with these types of complaints. Since the beginning of time aspiring musicians have struggled to get airtime. Such is just a fact of the industry. And, there has been a response, a rather favorable one. American Idol. This response was driven by consumer demand. The idea was launched and it hit home. The FCC should leave matters such as this where they belong, in the hands of the industry and consumers.

6. **The FCC cannot try to please everybody**

The FCC appears to be interested in serving a diverse set of interests. Basically, the FCC is trying to please everyone. I do not think this is possible and I do not think it is an appropriate role for the FCC to play. The media ownership rules promulgated by the FCC are intended to create diversity in media coverage and content, to make programming child and family friendly, to make sure religious interests are served and to support music and creative arts. These are all noble purposes. The FCC cannot try to serve these interests by rules alone. If the FCC really wants to make sure every Elizabeth Harmetz fan gets his/her daily fix the FCC should operate an opera station.

The fact is that mainstream media is called mainstream media for a reason. Media companies operate for a profit. They do not earn that profit unless they get advertising revenue and subscriptions. They do not get advertising revenue and subscriptions unless they serve the popular demand. Print media companies, which do rely on subscriptions, can serve a more specific audience than broadcast companies.

There is no doubt that the FCC rules infringe upon media companies First Amendment rights. The infringement, however, is okay because the

FCC has been able to provide a compelling reason for why the rules are necessary to serve the best interests of society. Today, the rules are not aimed at protecting the best interest of society, they are aimed at serving the marginal interests in society.